

CPC Minutes of June 18, 2013

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, June 18, 2013 at 4:45 p.m. in the Department of the Planning and Development (DPD) 1st Floor Meeting Room, 444 Westminster Street, Providence, Rhode Island.

Opening Session

Call to order: Chairwoman West called the meeting to order at 4:47 p.m.

Members Present: Chairwoman Christine West, Harrison Bilodeau, Ina Anderson, JoAnn Ryan, Meredyth Church, Victor Capellan

Staff Present: Robert Azar, Choyon Manjrekar and Matthew Jerzyk, Deputy City Solicitor

Approval of meeting minutes from May 21, 2013: Ms. Ryan made a motion seconded by Ms. Church to approve the minutes. All voted in favor.

Director's report: Mr. Azar said members of the firm Camiros had conducted meetings with stakeholders to research the rewrite of the zoning ordinance. He said members of the firm were in attendance at the meeting to observe the CPC's proceedings.

1. Referral 3365 – Petition for a permanent easement for property located at 186 Fountain Street

The applicant is requesting a permanent easement for location of an outdoor deck for the restaurant located at 186 Fountain Street – for action (AP 25 Lot 185, Downtown)

Mr. Azar introduced the request by the restaurant at 186 Fountain Street to have a permanent sidewalk easement for location of an outdoor deck for the restaurant. He said the Council would hear the matter the following night. He said the DPD found that the use would be suited to Downtown as it would add to the vibrancy of the district and was in conformance with the zoning ordinance and comprehensive plan. The DPD recommended that the CPC make a positive recommendation to the Council subject to the structure being reviewed by the Downtown Design Review Committee (DRC) and the protection of utilities.

Ms. Church asked if the easement would be permanent. Mr. Azar said it would be. Mr. Bilodeau asked if the applicant was paying for the occupation. Mr. Azar said an easement was permission to use the property, but would not confer ownership of the easement area. A discussion on the easement ensued. Mr. Bilodeau said he was unclear about the distinction between a deck and a porch based on taxation. He said the word that generates the highest taxable income should be used to describe the structure. Mr. Azar said the taxes would be determined by the tax assessor. Mr. Bilodeau asked if the restaurant could be made responsible for maintaining Adrian Hall Way. A discussion on the deck structure ensued. Ms. Ryan said she felt concerned that the deck was constructed prior to obtaining an easement or building permits. She said she felt the deck was unsafe and did not provide proper egress in case of a fire. Ms. West said the structure would be inspected by the building department. Mr. Azar said the deck was constructed without a permit and the applicant should apply for permits after the fact. A discussion on the deck ensued.

Ms. Ina Anderson said she was wary of putting too many conditions on a Downtown business and the area around the business would be maintained by the Downtown Improvement District. She asked if the easement would run with the building or the owner. Mr. Jerzyk said it would run with the building. A discussion on the sidewalk and the area around it ensued.

Ms. West said that the CPC could recommend that the applicant appear before the DRC and retroactively apply for building permits as conditions of approval. A discussion on the deck's features ensued. Mr. Azar read the DPDs staff report which found the request to be in conformance with the comprehensive plan and zoning ordinance subject to the condition that the applicant protect all easements within the right of way and appear before the DRC. He said the CPC could require the applicant to obtain building permits based on the discussion. Ms. Ryan made a motion to make a positive recommendation to the City Council with the conditions in the staff report and the additional condition that the applicant apply for building permits. Mr. Bilodeau proposed an amendment to the motion that the

structure be referred to as a deck or porch, whichever would result in higher tax revenue for the City. A discussion ensued and the amendment failed. All voted in favor of Ms. Ryan's motion.

MINOR LAND DEVELOPMENT PROJECT

3. Case No. 13-014 MI – 207 Waterman Street (Preliminary Plan Stage)

The applicant is proposing to demolish the existing building to construct a four story (50 feet), 30 unit multifamily development on a lot measuring approximately 11,677 SF. The applicant is proposing to provide 23 internal parking spaces, 45 are required. The development will require dimensional relief from height, parking and density requirements – for action (AP 14 Lot 516, Wayland)

Mr. Azar introduced the project, which was permitted by right in the zone but exceeded the permitted density, number of stories, maintained a shallow setback and did not provide the required amount of parking. Mr. Azar said the CPC could grant some dimensional modifications but the relief requested was beyond the scope of the CPC and required relief from the zoning board.

Mr. John Mancini introduced the project for the applicant. He said the increased density, front setback and reduced parking provided by the applicant would be similar to that provided by other residential buildings in the vicinity. The project architect Mr. Joseph McPhee made a presentation and explained the building's design, elevation details and floor layout. He said the design was similar to that of others in the vicinity. Twenty one interior parking spaces would be provided with ingress and egress provided from the side yards. He said the building did not exceed the maximum permitted height in the zone based on the calculated average grade.

Mr. David Cluley presented the site drainage plan. He said he assumed the site was completely impervious when making pre and post stormwater calculations. A crushed stone bed and a catch basin system would be used for drainage measures. Ms. West asked what body would be responsible for reviewing stormwater calculations. Mr. Manjrekar said the drainage plan would be reviewed by the City Engineer, who would determine if the drainage plan required further approval from other bodies like the Narragansett Bay Commission or the State Department of Environmental Management. Mr. Paul Bannon presented the traffic report. He said the one way traffic on Waterman Street and the proximity to a traffic light on Gano Street was conducive to smooth movement to and from the site and would allow drivers to be mindful of pedestrians. Ms. West asked for more information on the amount of traffic flow around the site. Mr. Bannon said Waterman Street served 10,000 cars a day with about 600 cars per hour during the morning peak and 725 cars per hour during the evening peak. Ms. Anderson asked if Mr. Bannon had advised the applicant on the number of parking spaces. Mr. Bannon said he did not.

Ms. West asked who the apartments would be marketed toward. Mr. Mancini said it would be geared toward young professionals and college students. He said the proximity to the Wayland Square commercial area would make it attractive to those groups. A discussion on the location and size of apartments ensued. Ms. West asked how parking spaces would be apportioned. Mr. Mancini said it would be based on rent. Ms. Anderson asked if there would be bike storage. Mr. McPhee said there would be storage available in the basement.

Mr. Capellan asked for information on the building's height. A discussion on the building ensued. Mr. Mancini said it was just under 45 feet and conformed to the height limit of the zone. Mr. Azar said height was calculated based on the average grade of the property. Ms. Anderson asked about the amount of zoning relief required for the project. Mr. Azar said the applicant was allowed to have 13 units with a 25 percent increase granted by the board, by right. The applicant was requesting 30 units. Ms. Anderson asked if the applicant had discussed the proposal with neighbors. Mr. Mancini said he had spoken to some neighbors but had not had a community meeting. Ms. Anderson asked if the neighborhood plan spoke about the type of desired development. Mr. Azar said he wasn't aware if the plan referred to specific development, but said the building represented the neighborhood's character. Ms. West said the CPC had received letters from a City Councilman and a neighborhood group about the building's design. She said the applicant could conduct community meetings with different groups to determine ways to improve the building design. Mr. Mancini asked for a continuance to discuss the development with neighbors. Ms. West asked if the applicant had made an effort to secure offsite parking. Mr. Mancini said he would address the issue before the zoning board meeting.

Mr. Andrew Teitz said he was representing several neighboring property owners. He said there were a number of buildings with high density, but owners had acquired property to provide parking. He said having less than one space per unit could have a negative effect on surrounding property and cause congestion. He said a smaller building with fewer units would be more suitable for the neighborhood. He said that two existing trees would be lost as a result of the development. He said the plan appeared to depict neighboring property as belonging to the applicant.

Mr. Edward Pimentel was introduced as an expert by Mr. Teitz. The CPC recognized Mr. Pimentel as an expert after reviewing submitted copies of his resume. He said he had studied the neighborhood and found that the average neighborhood density was approximately 771 SF per dwelling unit. He said the existing structure on the subject property occupied about 13 percent of the lot. He said neighboring development occupied approximately 37 percent of the lots on average, but the proposed building would exceed that limit. Neighboring buildings were on average three stories in height, but the proposed development would exceed that by having four stories. He said approximately 14 units and three stories would be more appropriate for the building to conform to neighborhood character. Mr. Teitz asked if Mr. Pimentel felt the project was in conformance with the comprehensive plan. Mr. Pimentel said it was his opinion that it was not.

Ms. West said the applicant could request a continuance to address concerns. Mr. Mancini requested a continuance. Ms. Ryan made a motion seconded by Ms. Church to continue the item. All voted in favor.

Adjournment

Mr. Capellan made a motion seconded by Ms. Anderson to adjourn the meeting. All voted in favor. The meeting adjourned at 6:57 pm.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to be 'C. Manjrekar' with a stylized flourish at the end.

Choyon Manjrekar,
Recording Secretary